

VZCZCXRO6087  
RR RUEHCHI RUEHDT RUEHNN  
DE RUEHHM #0686/01 2071041  
ZNR UUUUU ZZH  
R 251041Z JUL 08  
FM AMCONSUL HO CHI MINH CITY  
TO RUEHC/SECSTATE WASHDC 4698  
INFO RUEHHI/AMEMBASSY HANOI 3162  
RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHHM/AMCONSUL HO CHI MINH CITY 4926

UNCLAS SECTION 01 OF 03 HO CHI MINH CITY 000686

SENSITIVE  
SIPDIS

DEPARTMENT FOR CA/VO, CA/EX, CA/FPP, DS/CR/OCI AND EAP/MLS

E.O. 12958: N/A  
TAGS: [CVIS](#) [KFRD](#) [PGOV](#) [PREL](#) [VM](#)  
SUBJECT: TIEN GIANG POLICE PROTEST RECENT FRAUD UNIT VISIT TO THEIR  
PROVINCE

REF: (A) Hanoi 557 and previous (B) 2007 HCMC 1064 and previous (C) Hanoi 835  
HO CHI MIN 00000686 001.2 OF 003

11. (SBU) Summary: On July 23, the Ho Chi Minh City External Relations Office (ERO) Deputy Director Nguyen Vu Tu asked to meet with the CG and other consulate staff to discuss a recent fraud investigation undertaken by the Consular Section's Fraud Prevention Unit (FPU). According to the ERO, Ministry of Public Security (MPS) officials have vehemently complained at a senior level in Hanoi as well as in HCMC that the informant with whom our Fraud Prevention Manager (FPM) met is a known land rights activist in Tien Giang province. As a result of MPS' complaints, no FPU travel to Tien Giang province will be approved at least until the ERO submits its own report. Post replied to ERO that the MPS report contained various obvious inaccuracies and that the only reason FPU met with these individuals was to discuss allegations of consular fraud, which was the only topic they discussed. No one in ConGen HCMC's political section has previously heard of these individuals as being land rights activists. We also note that based upon the partial read-out of the MPS report provided by ERO, the report contains numerous factual inaccuracies that appear designed to raise concerns and promote an anti-American agenda. End Summary.

#### ROUTINE FRAUD INVESTIGATION IN TIEN GIANG

-----

12. (SBU) The fraud investigation in question took place on June 16, 2008, and involved allegations of marriage fraud related to an immigrant visa case. The FPU had received three signed letters from an informant stating that the family of the visa beneficiary had paid the petitioner in the U.S. US\$ 30,000 to enter into a fake marriage. The informant also called the FPU and provided a phone number and expressed willingness to meet with Consulate staff to discuss the case. Upon arriving in Tien Giang province to conduct a field investigation, the FPM and Fraud Unit locally engaged staff (LES) contacted the informant and agreed to meet at a local cafe. As is standard for such fraud investigations, local MPS officers followed the FPM and LES to the cafe. Shortly after arriving at the cafe, the informant arrived with two other individuals and discussed the case with the FPM for approximately ten minutes, after which the informant departed the cafe. The FPM and LES waited at the cafe until the MPS officers departed, and then also departed. Per our understanding with the Ho Chi Minh City External Relations office, the FPM notified local ERO officials that she and the LES had met with the informant at a local cafe.

13. (SBU) On the evening of July 17, the HCMC ERO office contacted via cell phone the LES who had been on the trip, and asked several questions regarding the field investigation. Specifically, the ERO official asked if the FPM and LES had met someone at a local cafe, and if they had discussed anything

other than the visa case. The ERO official then said that he had received a complaint from the MPS in Tien Giang province regarding the trip, and wanted to verify certain facts before writing a report. According to the ERO official, the three people who had come to the cafe were the ringleaders of a land rights protest which had recently taken place at the People's Committee's office in Ho Chi Minh City. The LES told the ERO official that she and the FPM had only discussed the visa case with the informant, and at no time during the ten minute conversation were issues regarding land rights or other sensitive matters raised.

14. (SBU) At the July 23 meeting with the CG, ERO Deputy Director Nguyen Vu Tu recounted the above incident, and emphasized that the people with whom the FPM and LES met had been identified in a subsequent MPS report as known land rights activists. He said that according to the report he had received from the Tien Giang MPS, the informant had been "invited" to the Consulate to discuss land rights issues, and that during the June fraud investigation to Tien Giang consulate staff had switched cars in an attempt to confuse local MPS officials. CG made it clear that these allegations are entirely false. No one in the Consulate's Political or Exec officer recognized any of the names prior to the trip. (Comment: HCMC's Pol Section has since been able to verify via conversations with other contacts that one of the three is associated with the land rights movement.) CG went on to clarify that the FPU did not invite any of the three to the Consulate and that the only topic discussed by FPU staff was visa fraud. Similarly, the FPU team did not switch cars or undertake any other steps to evade the MPS plain clothes surveillance officials who follow their every move.

15. (SBU) CG explained the background of the fraud case, and the fact that while the Consulate FPU receives many "poison pen" letters regarding visa cases, it is unusual that the letters are signed or that the informant is willing to talk to our staff. The CG reiterated that in this case the purpose of the trip was

HO CHI MIN 00000686 002.2 OF 003

simply to acquire additional information from the informant regarding a possible fake marriage, and that no other issues were discussed. Citing inaccuracies in the MPS report, the CG went on to say that such allegations call into question the credibility of the entire MPS report. Finally, the CG said that the people with whom the FPM met with had never been invited to the Consulate to discuss land issues. To demonstrate that the purpose of the meeting in Tien Giang was only to discuss a visa fraud, the CG provided copies of the letters the informant had sent to the FPU. Mr. Tu was not surprised by the CG's response and candidly explained that the overall thrust of the MPS report was that this incident is "proof" that the "true purpose" of FPU trips is to stir up anti-GVN unrest.

16. (SBU) The ERO asked that we provide the names of the three individuals who met the FPM and LES in the cafe, and suggested that on future fraud investigation trips that the FPM meets with informants at the residence of the informant. He also said that until this matter is cleared up, permission for our FPM to conduct field investigations in Tien Giang province would not be granted.

#### OVERVIEW OF CONGEN HCMC TRAVEL PROCEDURES

17. (SBU) Ref A and the numerous previous cables to which it refers provide an overview of the long history of the dispute over ConGen HCMC's Consular District. The status quo that has existed since the Consulate opened is the USG recognizes ConGen HCMC's area of responsibility as extending from Thua-Thien Hue province in Central Vietnam to Ca Mau province at the country's far southern tip. The GVN, in contrast, recognizes the Consulate and its officers being as accredited to Ho Chi Minh City only. (Note: Because HCMC is a "special city," the GVN equates this one-city designation with being the same as recognizing a Consular District of one U.S. state. End Note.) Any travel Consulate officers undertake to destinations outside of HCMC is therefore considered to be "out of Consular District"

and may only be undertaken subject to advance notification and approval from the GVN. Consulate officers must submit DipNotes at least five work days in advance of travel listing the entire itinerary in detail and complete contact information for every person and group -- whether official or private -- that the officer(s) plan to speak to during the travel.

¶18. (SBU) Because the advance notification requirements imposed by the GVN were rendering travel by HCMC's Consular Fraud Unit worthless (since someone was clearly warning every subject of "surprise" inspections), in early 2008 the Consulate reached an agreement with the ERO under which FPU staff do not have to list the exact name, address and phone number of every person to be visited. Instead, they only list the exact province and neighborhood. MPS (security) personnel routinely follow FPU staff during investigations and interview all subjects after they have spoken with the FPU, but they do not interfere in the interviews. While subjects of FPU investigations are still sometimes warned in advance of the pending arrival of the FPU, this is the exception rather than the rule and we suspect that local security personnel are simply able to guess the subject based on the neighborhood and then tip subjects off in exchange for kick-backs. To convince the MPS to allow this somewhat relaxed travel approval process (compared to the full notification required for political, economic and other travel) following a notorious incident of MPS harassment in An Gian province last October (ref B), the CG agreed that FPU staff would only undertake consular investigations while on FPU trips and would not combine consular fraud trips with political reporting or other activities.

¶19. (SBU) Political, economic and other non-FPU travel remain subject to the stricter notification requirements. In the early years of the Consulate's operation, ConGen HCMC personnel sometimes traveled without providing notification or without waiting for formal approval. In recent years, however, this procedure was abandoned because making such trips without prior approval invariably led to reactions that ranged from cancellation of meetings to literally kicking people out of their hotel in the middle of the night. Trips taken without prior approval were rarely a success and could be dangerous. In addition, everyone that Consulate staff interacted with while on "unauthorized" trips was subsequently subjected to questioning or even detention by VN security personnel. We know from our more sympathetic interlocutors in the GVN that the MPS routinely reported these trips as "proof" that the Consulate was fomenting rebellion by organizing "networks of anti-government agitators." To maintain the safety and security of both our staff and our contacts, and to prevent actions by one section or agency from having negative repercussions on the work of other sections/agencies, ConGen HCMC staff now strictly follow the the

HO CHI MIN 00000686 003.2 OF 003

GVN unilaterally-imposed five-day notification rule for travel outside of the city.

¶10. (SBU) In practice, the five-day notification rule usually amounts to little more than an onerous paperwork exercise for ConGen staff. Since Consulate Officers are followed by plain clothes MPS observers at all times, we are not divulging anything by providing the names of individuals with whom we will meet. Permission to travel is sometimes denied, however, with no explanation given. In addition, most of the Consulate's contacts are interviewed by VN security personnel before and/or after meetings with ConGen officers, but this level of interference would likely take place whether or not we provided details in advance. As noted above, failure to provide details generally makes the interrogation more severe. Any unscheduled stop, including a restroom break, will often cause a plainclothes security officer to approach the vehicle and inquire why the car is stopping.

COMMENT

¶11. (SBU) Even the limited insights into the contents of the MPS report that ERO HCMC provided to us are sufficient to show that

the MPS report contains factually incorrect exaggerations such as the allegation that the FPU staff switched cars to elude their MPS watchers or invited interlocutors to the Consulate. Given this apparent willingness to play fast and loose with the truth, we decided to verify the MPS claim that FPU met with land rights protestors. While none of our Political or Economic staff had heard of any of the three individuals, phone checks with contacts verified that one of the three people who attended the meeting is indeed connected to the land rights movement. Despite this grain of truth in the MPS allegations, we find them both insulting and disturbing and agree with the ERO's candid admission that the MPS report was written with the goal of inhibiting future travel by the FPU. This desire by provincial-level MPS to restrict FPU (and perhaps other) Consular travel is problematic and needs to be borne in mind as we move forward with bilateral discussions of the HCMC Consular District, a possible future APP in Danang and the GVN's own desire to open a Consulate General in Houston (and possibly elsewhere) and to begin processing visas in New York.

¶12. (SBU) COMMENT CONTINUED: It is also worth emphasizing that the first contacts on this case were not via official channels to American officers but in direct evening and weekend calls to our dedicated local Vietnamese fraud prevention staff. Direct calls to staff at their homes and on weekends, including with direct or veiled threats, are distressingly common at ConGen HCMC. This type of harassment has driven some employees to quit or transfer although most, thankfully, tough it out. For LES staff who do not cooperate with request for "informal" information on the activities and conversations of Consulate officers, the pressure can extend to family members, including parents, spouses and even children in school. We are quite lucky to have such dedicated, professional Vietnamese staff who continue to do their best even in the face of such intimidation.

Unfortunately, as documented in a recent first-person message from the Ambassador (ref C), the combination of rampant inflation and nearly stagnant wages mean that our Vietnamese staff are increasingly having to deal with economic hardships in addition to political harassment. As the Ambassador noted in ref C, "the proposed 2008 salary increases determined by the 2007 survey will now be considered by our LES employees laughable at best, insulting at worst."

¶13. (U) This cable was coordinated with Embassy Hanoi.  
FAIRFAX